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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: the Patent Application of:

Applicant: Richard C. Durfield

Filed: September 27, 2001

Application Number: 09/966,336

For: Method and Apparatus for
Verification /Authorization
By Credit or Debit Card Owner
Of Use of Card Concurrently
With Merchant Transaction



Customer Service Center

Initial Patent Examination Division

(703) 308-1202

RESPONSE TO CONFIRMATION NO. 3146 – FORMALITIES LETTER

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir:

This is responsive to the Patent & Trademark Office (“PTO”) Confirmation No. 3146 – Formalities Letter mailed November 1, 2001 which confirmed that an application number, Application Number 09/966,336, and filing date, September 27, 2001, have been accorded to this application.

STATUTORY FILING FEE:

It is respectfully noted by the Applicant herein that as of September 8, 2000 small entity status can be established at any time by a simple written assertion of entitlement to small entity status. The use of a specific form is not required. Any written reference to small entity status will be construed by the PTO to be a request for small entity status. This includes the payment of any exact small entity basic filing fee which as of October 1, 2001 is \$370.00. A written statement by a registered practitioner

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before the PTO, even one who is not of record in the patent application case, is also a sufficient written reference to a small entity status and will be construed by the PTO as a request for small entity status.

A surcharge fee is not required to accompany the filing of a written reference to small entity
5 status if the patent application was filed with the PTO on September 8, 2000 or afterwards.

Accordingly, the undersigned registered practitioner, Ben E. Lofstedt, Registration Number
25,998, represents that the patent applicant is an independent inventor entitled to small entity status as
defined in 37 CFR Section 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of
10 Title 35, United States Code, to the Patent and Trademark Office with regard to the invention herein;
namely: METHOD AND APPARATUS FOR VERIFICATION /AUTHORIZATION BY CREDIT
OR DEBIT CARD OWNER OF USE OF CARD CONCURRENTLY WITH MERCHANT
TRANSACTION described in the application on file with the PTO as U.S. Patent Application No.
09/966,336. Further, the applicant herein has not assigned, granted, conveyed or licensed and is under
15 no obligation under contract or law to assign, grant, convey or license, any rights in the invention to
any person who could not be classified as an independent inventor under 37 CFR Section 1.9(c) if that
person had made the invention, or to any concern which would not qualify as a small business concern
under 37 CFR Section 1.9(d) or a nonprofit organization under 37 CFR Section 1.9(e).

20 Enclosed is a check in the amount of \$370.00 as and for complete payment of the patent
application filing fee for a small entity.

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DECLARATION OR OATH:

An oath or declaration in compliance with 37 CFR Section 1.63 is required.

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Such oath or declaration must specifically identify the patent application by both the patent
Application Number, 09/966,336, and the Filing Date, September 27, 2001.

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Further, such oath or declaration must be submitted to the PTO with an oath or declaration
surcharge per 37 CFR Section 1.16(l) in the amount of \$65.00.

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Enclosed is a Declaration in compliance with 37 CFR Section 1.63 and a check for the
surcharge in the amount of \$65.00.

SUBSTITUTE DRAWINGS:

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Each sheet of drawings filed in the patent application must include a top margin of at least
2.5 cm (1 inch), a left side margin of at least 2.5 cm (1 inch), a right side margin of at least 1.5 cm (5/8
inch), and a bottom margin of at least 1.0 cm (3/8 inch).

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The present sheet of drawings filed in the patent application includes a top margin of 0.9 cm
(6/16 inch), a left side margin of 2.8 cm (1 1/8inch), a right side margin of 1.3 cm (8/16 inch), and a
bottom margin of 1.3 cm (8/16 inch).

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Accordingly, a substitute sheet of drawings is enclosed for substitution with the sheet of drawings filed with the application. The substitute sheet of drawings has been modified to incorporate a top margin of 4.7 cm (1 14/16 inch), a left side margin of 3.1 cm (1 4/16 inch), a right side margin of 3.2 cm (1 5/16 inch), and a bottom margin of 4.6 cm (1 13/16 inch). (The top of the sheet of drawings is marked “TOP” on the obverse side of the sheet of drawings. However, it should be noted that regardless of which side of the sheet of drawings is identified as the “TOP”, each and every one of the dimensions from the edge of the sheet of the drawings EXCEEDS the MINIMUM dimensional requirement.)

10 **ABSTRACT:**

The present ABSTRACT appears on two (2) separate sheets of paper and contains 315 words consisting of 22 lines, 2,047 characters with spaces, or 1,730 characters without spaces.

15 Pursuant to 37 CFR Section 1.72(b), an ABSTRACT must be on a single page and cannot exceed 150 words in length.

Enclosed is an ABSTRACT of the present invention depicted in the within patent application entirely contained on a single page and consisting of 147 words in length which is less than 150 words per the mandative requirements of 37 CFR Section 1.72(b).

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It is requested that the enclosed ABSTRACT be substituted for the ABSTRACT presently filed in the patent application.

The ABSTRACT, as substituted, now complies with the requirements of CFR Section 1.72(b).

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**COPY OF NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION
FILED UNDER 37 CFR 1.53(B)**

Part 2 – COPY TO BE RETURNED WITH RESPONSE consisting of two (2) pages is enclosed pursuant to the specific request entered on Page 2 of 2 of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(B).

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CONCLUSION:

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A single check is enclosed for payment of \$435.00 which is the combination of the patent application fee for a small entity of \$370.00 and a declaration surcharge of \$65.00.

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A substitute sheet of drawings is enclosed with the appropriate marginal dimensions as required by 37 CFR Section 1.84(g) to be substituted in the place and stead of the sheet of drawings presently filed in the patent application.

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A Declaration properly signed in compliance with 37 CFR 1.63 incorporating the Application Number of 09/966,336 and the Filing Date of September 27, 2001 is enclosed for filing in the present patent application.

5 Enclosed is Part 2 – COPY TO BE RETURNED WITH RESPONSE consisting of two (2) pages pursuant to the specific request entered on Page 2 of 2 of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(B).

10 Enclosed is a self-addressed, stamped U.S. Post Office postcard for effectuating the informal Receipt process. Please stamp the date of actual receipt of this Response by the PTO and deposit it in the U.S. Post Office Mail for return to the sender.

15 This Response is delivered via United States Post Office Express Mail deposited on January 2, 2002 in compliance with the PTO rule that when a due date falls on a holiday, the next date is deemed by the PTO to be timely filed in the PTO. A Certificate of Express Mailing to:

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

20 pursuant to the PTO's December 5, 2001 notice by Nicholas P. Godici, Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office advising that as of Thursday, November 29, 2001, the United States Postal Service indicated that the suspension of Express Mail service to the Washington, D.C. 20231 address for the PTO had been terminated and that mail can now be addressed as set forth in 37 CFR Section 1.1(a)(1), i.e.

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Assistant Commissioner for Patents
Washington, D.C. 20231

Accordingly, this RESPONSE TO CONFIRMATION NO. 3146 – FORMALITIES LETTER is
directed via U.S. Post Office Express Mail to:

5 Assistant Commissioner for Patents
Washington, D.C. 20231

The Applicant believes that he has responded to, and fully compiled with, each and every one
of the items required in the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
10 APPLICATION FILED UNDER 37 CFR 1.53(B), and, specifically requests that the patent application
now be advanced to the next step in the PTO's Examination Process.

If, however, for some reason, the PTO believes otherwise, it is respectfully requested that the
PTO immediately notify the undersigned as to what further requirements must be met by the Applicant
15 in order for the within patent application to be advanced to the next stage of the PTO's Examination
process.

Dated: January 1, 2002.

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25 FAX (714) 738-4439

Ben E. Lofstedt, Reg. No. 25,998
For the Applicant, Richard C. Durfield